

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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HEATHER SMITH, individually and on	:	
behalf of all others similarly situated,	:	
	:	
Plaintiff,	:	Case No. 5:23-cv-00559-D
	:	
v.	:	
	:	
WHALECO INC. d/b/a TEMU,	:	
	:	
Defendant.	:	
-----	X	

DEFENDANT’S NOTICE OF APPEAL

Notice is hereby given that Defendant Whaleco Inc., d/b/a TEMU (“Defendant”), hereby appeals, to the United States Court of Appeals for the Tenth Circuit, from this Court’s order entered on July 23, 2024 in the above-captioned matter (*see* Dkt. 47) denying Defendant’s motion to compel arbitration (*see* Dkt. 33).

Dated: July 29, 2024

Respectfully submitted by:

SCHAFFER HERRING PLLC

/s/ John A. Burkhardt

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2024, a true and correct copy of the foregoing was electronically filed with the Court's CM/ECF system, which will send a notice to all counsel of record.

/s/ John. A. Burkhardt

John A. Burkhardt